

Summary of Administrative Review Board Proceedings for ISN 758

The Administrative Review Board was called to order.

The Detainee entered the proceedings.

The Presiding Officer announced the convening authority and purpose of the Administrative Review Board proceedings.

The Designated Military Officer (DMO) was sworn.

The Board Reporter, Translator, Assisting Military Officer (AMO) and Board Members were sworn.

The Presiding Officer asked the Detainee if he wishes to make a statement under oath. (Muslim oath offered).

Detainee (through translator): Yes.

The Detainee took the Muslim oath.

The Presiding Officer read the hearing instructions to the Detainee and confirmed that he understood.

The Assisting Military Officer presented the Notification of the Decision of the Administrative Review Board, Exhibit EC-A, to the Administrative Review Board.

The Assisting Military Officer presented the Enemy Combatant Election Form, Exhibit EC-B, to the Administrative Review Board.

The Assisting Military Officer read the AMO Comments from the Enemy Combatant Election Form, Exhibit EC-B.

Assisting Military Officer: The Detainee's ARB initial interview was conducted on 25 October 2006. After reviewing the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the Detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee stated his wish to attend and respond to each statement of information in the Unclassified Summary after it is presented. The Detainee would also submit a letter to the board provided by another Detainee on his behalf. The English and Arabic translated versions of the Unclassified Summary of Evidence were provided to the Detainee, who accepted the Arabic version only. The Detainee's follow up interview was conducted on 26 October 2006. The Detainee presented the AMO with a letter from another Detainee. The Detainee was attentive and polite throughout both his interviews.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1; the FBI Redaction Memorandum, DMO-2; the CITF Redaction Memorandum, DMO-3; and the Terrorist Organization Reference Guide, DMO-4 to the Administrative Review Board.

The Designated Military Officer stated that a copy of these exhibits had been previously distributed to the Assisting Military Officer and Detainee.

The Presiding Officer noted from the Enemy Combatant Election Form that the Detainee wanted to respond to each item of information from the Unclassified Summary as it was presented.

The Designated Military Officer gave a brief description of the contents of the Unclassified Summary of Evidence, Exhibit DMO-1, to the Administrative Review Board.

Designated Military Officer (3.a.1): The Detainee stated he served as a fighter for the Taliban, and possibly Al Qaida, from 1994 to 2001 in eastern Afghanistan.

Detainee (through translator): That is not true. I only spent one month with Taliban.

Board Member: Do you remember what year you spent your one month with Taliban?

Detainee (through translator): Yes, it was the eleventh month of 2000.

Presiding Officer: Were you a fighter for the Taliban during that month?

Detainee (through translator): I was not a fighter I was in the reserves.

Designated Military Officer (3.a.2): The Detainee stated the only interaction he had with the al Wafa organization was when he went to its office in Kabul, Afghanistan to try to receive money. After three to four unsuccessful attempts to gain money, the Detainee stated he did not go back to al Wafa. In addition, the Detainee stated that, in 2001, while in Kabul, Afghanistan, he saw an al Wafa member whom he recognized from the al Wafa office give money to an Al Qaida member.

Detainee (through translator): True. There were multiple members, not one.

Board Member: Do you mean multiple members of al Wafa or Al Qaida?

Detainee (through translator): Al Qaida!

Board Member: You saw al Wafa persons give money to multiple Al Qaida members?

Detainee (through translator): Yes!

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Designated Military Officer (3.a.3): The Detainee is an admitted Taliban fighter and claims to have been a close associate of Usama bin Laden and Mullah Omar.

Detainee (*through translator*): Not true.

Designated Military Officer (3.a.4): The Detainee claimed his role was to be a fighter and occupy the front lines for the Taliban against the resistance of the Northern Alliance.

Detainee (*through translator*): Not true.

Board Member: What was your role for the Taliban against the Northern Alliance?

Detainee (*through translator*): I did not participate with Taliban. I was with Taliban for only one month.

Designated Military Officer (3.b.1): The Detainee stated that, as an infantryman, he was trained on the mortar and the rocket propelled grenade and served in the 842nd Brigade of the Iraqi military.

Detainee (*through translator*): True.

Designated Military Officer (3.b.2): The Detainee stated that, in November 2000, he joined the Taliban in Mazar-e Shariff, Afghanistan. The Detainee was issued a Kalashnikov rifle and joined more than 50 other soldiers on the front line.

Detainee (*through translator*): True. I was not on the front line. I was a reserve.

Board Member: Were you issued a Kalashnikov rifle?

Detainee (*through translator*): Yes.

Board Member: When did you learn how to use the Kalashnikov rifle?

Detainee (*through translator*): In the Iraqi Army.

Designated Military Officer (3.b.3): The Detainee stated he visited the Derunta Training Camp twice. The Detainee stated that one section of the camp was used primarily for basic training and taught the use of explosives and hand to hand combat, such as karate and judo.

Detainee (*through translator*): True. I visited the training camp but not to train. I was there as a guest.

Designated Military Officer (3.c.1): The Detainee stated he pledged a bayat to Mullah Omar to help him and the Taliban to take over all of Afghanistan.

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Detainee (*through translator*): The oath was just figurative, not a real one. I was only there for one month.

Board Member: Did you meet with Mullah Omar?

Detainee (*through translator*): Yes.

Presiding Officer: You met with Mullah Omar during your one month. Were you near the front lines?

Detainee (*through translator*): No.

Board Member: When did you meet with Mullah Omar?

Detainee (*through translator*): It was May 1996.

Designated Military Officer (3.c.2): The Detainee stated that, on 11 September 2001, he was in Kabul, Afghanistan, visiting Abu Bassam, a famous Arab poet, who is known to be an associate of Usama bin Laden.

Detainee (*through translator*): Yes.

Designated Military Officer (3.d.1): The Detainee had originally explained his decision to go to Afghanistan was made out of religious fervor and to fulfill his religious obligation to fight a jihad. Later, however, the Detainee admitted he is not a religious man. The Detainee also cited his desire to become financially successful as a reason for traveling to Afghanistan, claiming he was told there would be good jobs there for an Arab.

Detainee (*through translator*): No, this was Pakistan before it turned to Taliban.

Board Member: Did you go to Turkmenistan to fight jihad or look for a job?

Detainee (*through translator*): To be a refugee.

Presiding Officer: How did you end up in Afghanistan?

Detainee (*through translator*): Turkmenistan kicked us out of the country.

Board Member: When were you kicked out of country?

Detainee (*through translator*): It was May 1994.

Designated Military Officer (3.d.2): The Detainee stated he served in the Iraqi Army during the Gulf War and he was taken prisoner by American forces at al Salman, Iraq.

Detainee (*through translator*): Yes.

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Designated Military Officer (4.a): The Detainee stated, if released, he would like to return to Diwani, Iraq, now that Saddam Hussein has been removed from power. The Detainee also stated, if released, he would attempt to find employment as a traffic cop.

Detainee (*through translator*): Yes.

Designated Military Officer (4.b): The Detainee stated although he is anxious for his case to be resolved, he holds no animosity towards the United States. The Detainee added he has been treated very well since being detained. The Detainee lastly stated he would never harm the United States because they are good people, and consequently, if ever given an opportunity to help them, he would be very happy to do so.

Detainee (*through translator*): Yes.

Designated Military Officer (4.c): The Detainee stated he did not agree with how the Taliban governed Afghanistan, but since the Taliban represented the only form of government he had no other choice but to work with them. The Detainee further insisted that he never would have joined the Taliban if not for the fact he was poor and needed money.

Detainee (*through translator*): Yes.

Designated Military Officer (4.d): The Detainee believes the Americans did not receive a letter which he had in his possession at the time of his arrest. The letter, signed by a Taliban official, acknowledged the Detainee was not sympathetic to the Taliban cause and therefore was to leave Afghanistan.

Detainee (*through translator*): The letter was with me and they have it. The letter is in my file.

Presiding Officer: How do you know the letter is in your file?

Detainee (*through translator*): I have seen it.

Designated Military Officer (4.e): The Detainee claimed to have expressed his desire to turn himself over to the American officials. The Detainee wanted to provide the Americans with what he knew about Usama bin Laden and the Taliban.

Detainee (*through translator*): Yes.

Designated Military Officer (4.f): The Detainee stated that in June 2001 he was arrested for criticizing the Taliban.

Detainee (*through translator*): Yes.

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Board Member: Where were you when you were arrested, city and country?

Detainee (*through translator*): Chaghcharan, Afghanistan.

Designated Military Officer (4.g): The Detainee stated there were no good attributes of the Taliban because they did not care about who they killed during the fighting.

Detainee (*through translator*): Yes.

Presiding Officer: When you were arrested for criticizing Taliban, how long were you held?

Detainee (*through translator*): I was detained for three months. They gave me an eviction letter from the Red Cross. It was a letter evicting me out of Afghanistan.

Board Member: Did you get the letter before or after you were arrested in Chaghcharan?

Detainee (*through translator*): After, I was arrested, they transferred me to Kabul. The last day in prison, they gave me the letter.

Designated Military Officer (4.h): The Detainee claimed to have expressed his disdain for the Taliban and Al Qaida and was subsequently turned into Pakistani police at the end of March 2002.

Detainee (*through translator*): Yes.

Presiding Officer: Does the Board members have any other questions?

Board Member: No.

The Designated Military Officer confirmed that he had no further unclassified information and requested a closed session to present classified information relevant to the disposition of the Detainee.

The Presiding Officer acknowledged the request.

The Presiding Officer opened the Administrative Review Board to the Detainee to present information with the assistance of the Assisting Military Officer.

Assisting Military Officer on behalf of the Detainee submitted an Enemy Combatant Election Form, Exhibit EC-C.

The Presiding Officer had the Assisting Military Officer read the translated comments from the Enemy Combatant Election Form, Exhibit EC-C.

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Assistant Military Officer: To the Office for Administrative Review of the Detention of Enemy Combatant. Greeting and After. I am the Detainee Abu Fatima Al Iraqi, 433. My family and I were living in Mazar-e-Shariff, Afghanistan and the man named Shaker Al Joabouri came to my house and told me that he was an Iraqi immigrant and that he needed help so I helped him to the best of my capability because I was an immigrant also and needed help just like him. He repeatedly came to me and asked me for help but then I discovered that he was a drug addict and he dealt in hashish consistently and he is irresponsible for his actions. He imagined realistic and unrealistic things that he believed happened to him and all of this, he experienced because he was under the influence of hashish.

As he was living on aid he received from the Taliban and others, getting drugs was his only concern. He's one of Saddam Hussein's victims as well as a victim of drugs. Finally I say to your supremacy- We have fled from Saddam Hussein's oppression and we have no connection with terrorism and our circumstances forced us to live in Afghanistan. Peace upon you. Detainee 433, Abu Fatima Al Iraqi, 10/25/2006

The Assisting Military Officer stated that he had no additional comments.

Detainee made no Oral Statement.

The Assisting Military Officer had no further questions for the Detainee.

The Designated Military Officer had no further questions for the Detainee.

Board Members: No further questions.

The Presiding Officer read the post-Administrative Review Board instructions to the Detainee and adjourned the open session of the Administrative Review Board.

The Presiding Officer opened the classified portion of the session.

The Presiding Officer adjourned the classified portion of the session and the Administrative Review Board was closed for deliberation and voting.

AUTHENTICATION

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I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.



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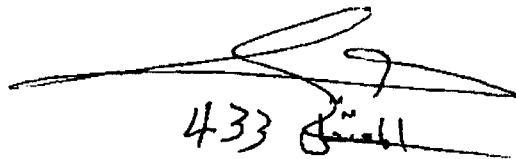
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الى مكتبه الاداره لمراجعة جزملاء العدد المعلقين تحية طيبة وسهر

اي المصطفى ابونا طه العراقي 433 كنت اعيش في مزار شريف افغانستان انا وعائلتي
وجاري المرحوم تشاكر الجبوري 758 لي بيتي وقال لي انه مهاجر عراقي وانه
محتاج للمساعدة فقامت بمساعدة قد استطاعت لي انا ايضا كنت مهاجر
ومحتاج مثله ولكنه كرر قد وضع علي وطلب مني المساعدة بعد ما اكتشفت انه
ممن مخدرات وكان يتقاضي المشيشه باستمرار وهو غير مسؤول عن تصرفاته
كما انه يتهني له اشياء معقوله وغير معقوله يتصور انها مرت به وهذا كله بتأثير
المشيشه.

كما انه كان يعيش على المساعدة من الطالبان ومن غيرهم وكان همه الوحيد
هو الحصول على المخدرات هو ضحيه من ضحايا صدام حسين وضحيه من ضحايا المخدرات.
واخيراً أقول لسيادكم

نحن هربنا من ظلم صدام حسين وليس لنا عرقه
بالأرهاب وأجبرتنا الظروف ان نعيش في افغانستان
هذا والسلام.



المصطفى 433
ابونا طه العراقي

٢٠٠٦/١٠/٢٥

To the office for the Administrative Review of the Detention of Enemy Combatant.
Greetings and After.

I am the detainee Abu Fatima Al Iraqi 433. My family and I were living in Mazar-e Shariff Afghanistan and the man named Shaker Al Joabouri came to my house and told me that he was an Iraqi immigrant and that he needed help so I helped him to the best of my capability because I was an immigrant also and needed help just like him. He repeatedly came to me and asked me for help but then I discovered that he was a drug addict and he deal in hashish consistently and he is irresponsible for his actions, he imagined realistic and unrealistic things that he believed happened to him and all of this he experienced because he was under the influence of hashish.

As he was living on aid he received from the Taliban and others, getting drugs was his only concern. He's one of Saddam Hussein's victims as well as a victim of drugs.

Finally I say to your supremacy- We have fled from Saddam Hussein's oppression and we have no connection with terrorism and our circumstances forced us to live in Afghanistan.

Peace upon you.

Detainee 433
Abu Fatima Al Iraqi
10/25/2006

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